## BOARD OF ADJUSTMENT REPORT



MEETING DATE: 3/2/2005 ITEM No. 4 ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Young Residence Variance

17-BA-2004

The Applicant requested a continuance to the March 2, 2005 hearing. The Board approved the request with the stipulation that drainage information must be received prior to consideration.

Motion was approved 5-0.

REQUEST Request to approve variance to side yard setback from 7 feet to 4 feet

2 inches to allow expansion of an existing garage and addition of a

porch.

OWNER Tom and Billie Young

APPLICANT CONTACT Jason Allen

Skyline Consultants

602-324-5330

LOCATION 2401 N 57th Street

CODE ENFORCEMENT

ACTIVITY

None has been reported

PUBLIC COMMENT The applicant notified the property owners within 750 ft. of the

proposed project.

Staff has received two letters in support of the variance.

Staff received one phone call from the public expressing disagreement

with an approval this variance.

Staff has meet with one neighbor that is in support of the variance.

ZONE The Site is zoned R1-10 PRD, Single-Family Residential, Planned

Residential Development Overlay.

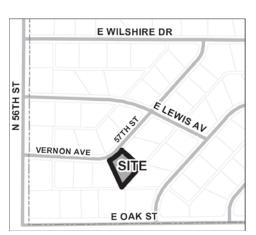
The PRD was added to this neighborhood to restrict building height.

ZONING/DEVELOPMENT

CONTEXT

The parcel is located in the Sherwood Heights subdivision, platted prior to annexation by the City of Scottsdale in April 1956. The parcel is mid-block between 56<sup>th</sup> Street and Lewis Avenue on the southeast side of 57<sup>th</sup> Street. The site is surround by single-family residences

and an alley along the rear property line.



ORDINANCE REQUIREMENTS Article V Section 5.404.E.2. Side Yard. There shall be a side yard on each side of a building having an aggregate width of not less than seven (7) feet.

DISCUSSION

The applicant is proposing to construct a garage addition. This addition would require a side yard variance of 3'-10" on the northeast property line. The applicant states there is a small wash running adjacent to the southwest property line that would prohibit the proposed addition on the southwest side of the house.

**FINDINGS** 

 That there are special circumstances applying to the property referred to in the application that do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:

The applicant's response to this question states that the subject site is located on a curve; the lot is irregularly shaped, and a wash runs through the southern portion of the site.

Staff analysis concludes the parcel is an irregular shaped lot. Staff also agrees with the applicant statement that there is a wash along the southern property line.

That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant's states that due to the irregular lot shape and the wash running through the southern portion of the site, they are unable to expand their home to the south. Any expansion to the south could alter and impact the wash, and therefore could push water onto the property located to the southwest.

Staff concludes that the applicant's drainage report does not attempt to demonstrate whether or not the applicants may construct an addition on the southern side of the house, or support the applicant's claim that an addition and modification to the wash would push water onto the neighboring property to the southwest. In order for staff to make a determination of the applicant explanation, an analysis is needed that would define the extent of the flooding on the southern portion of the lot and the extent to which a house addition would encroach into the flood is needed. With this analysis, the changes to water course, depth, and velocity could be established and then conclusions may be drawn

about whether or not any proposed modification to the wash are manageable to construct a home addition adjacent to the wash.

3. That special circumstances were not created by the owner or applicant:

The applicant's states the conditions/circumstances existed on the property and that they did not create them.

Staff acknowledges that the site has some special drainage circumstances; however the applicants drainage report does not provide sufficient information whether these drainage situations can be over come through an engineered solution.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

Approval of the variance will not negatively impact the adjacent property owner or neighborhood. The property to the north is in support of this variance request.

Staff received letters from the adjacent property owner to the northeast and the property owner on the north side of 57<sup>th</sup> Street indicating they do not object to the variance request. Staff also received one phone call at the time of this report from a citizen against the variance request.

Staff analysis concludes that the granting of the variance does not appear detrimental to person(s) residing in adjacent property to the northeast or the neighborhood.

#### **Scottsdale Board of Adjustment** Case 17-BA-2004

**STAFF CONTACT** 

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Kurt Jones, Current Planning Director

Phone: 480-312-2524

E-mail: Kjones@ScottsdaleAZ.gov

**ATTACHMENTS** 

1. Project Description

2. Justification

3. Context Aerial

4. Aerial Close-up

5. Zoning Map

6. Photographs

7. Proposed Site Plan

8. Letters of support

9. Drainage Report



# **ZONING ORDINANCE VARIANCE**

**Application Submittal Requirements** 

111(411
Project Description / Variance Details
Case Numbers: (ell - PA - 2004 1.17 - BA - 2004  Project Name: MR + MRS YOUNG  Location: 2401 N. 57*** AVE
Property Details:  Single-Family Residentail  Use:  Number of Buildings:  Setbacks:  N- 7
Description of Request:  Section of the Zoning Ordinance to be varied:  Project Narrative:  THE PURPOSE OF THIS PARVISET IS TO AU ON A PORCH AND GATCHOCK ADDITION.  WE ARE A 270 II PORCH ADDITION.  NE ARE DESCRIPTION.  NE ARE DESCRIPTION.  NE ARE DESCRIPTION.  NE ARE DESCRIPTION.  ORDINANCIS ROUTIONS A 7' FAIRLONG SET-
Scottsdale Ordinance Requires: 71 SUBS IBUILDING SETBACK  Request: TO PROCKE THE SUBJUDING SETBACK  TO POUR TO A Z".  Amount of Variance:
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Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



# **ZONING ORDINANCE VARIANCE**

### **Application Submittal Requirements**

17-BA-2004

Justification for Variance

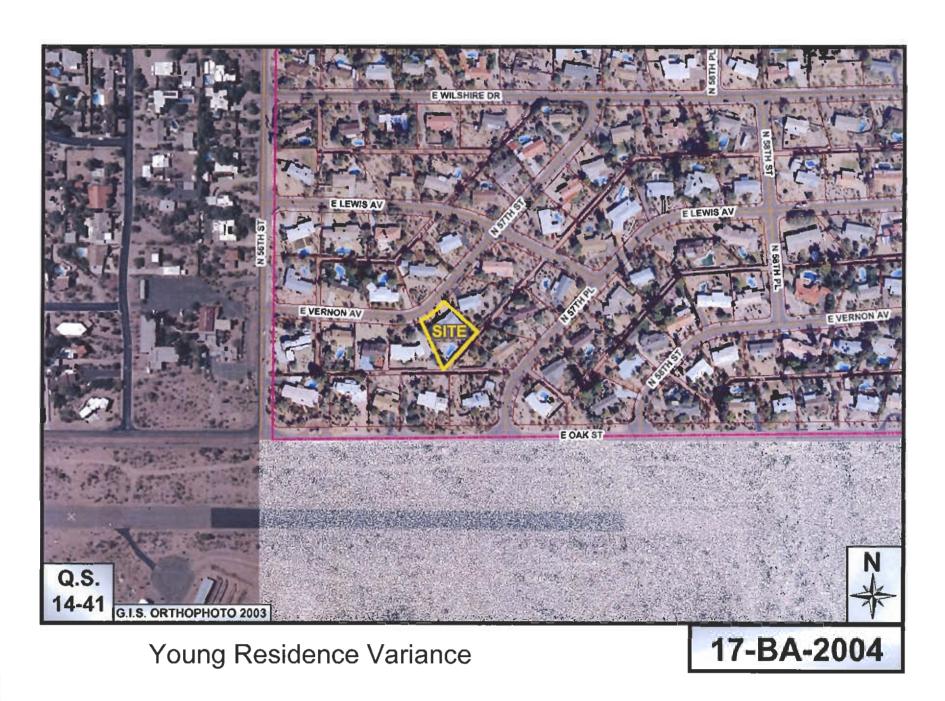
12/15/04

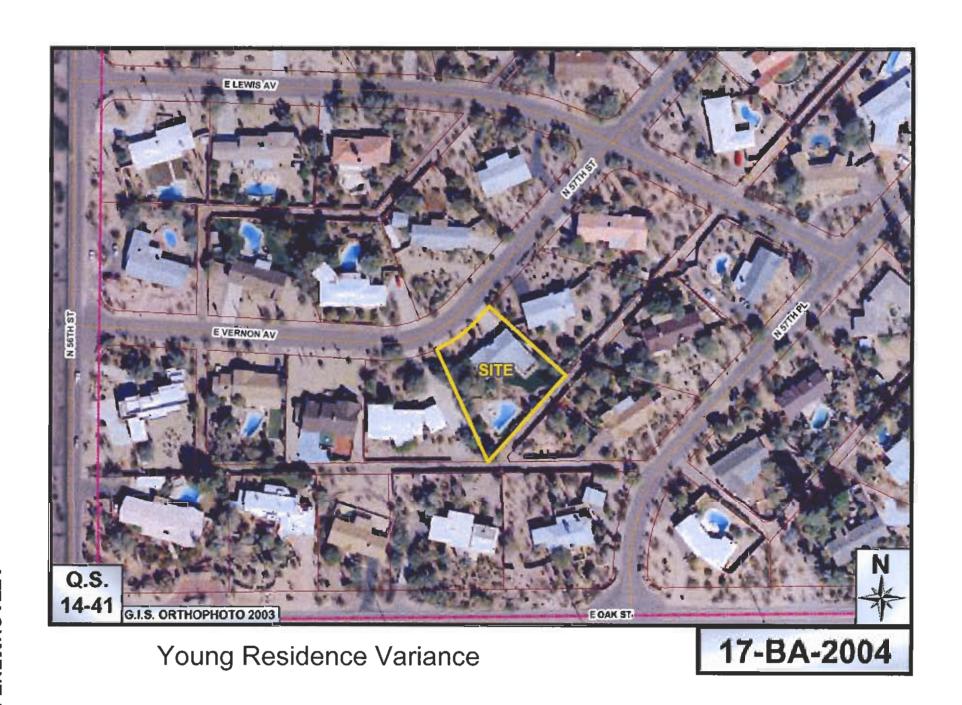
The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a seperate sheet if you need more room.

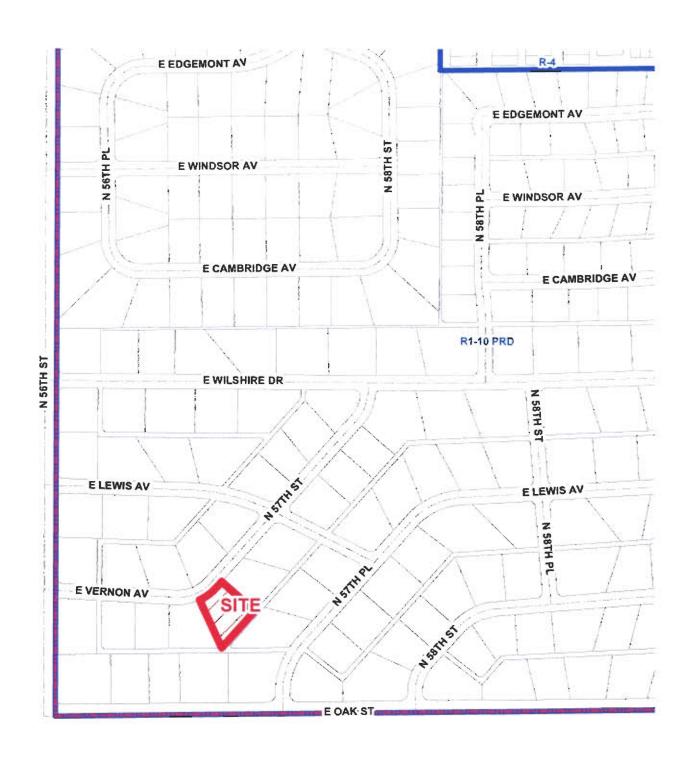
1.	Special circumstances/conditions exist which do not apply to other properties in the district:  THE SUBJECT SITE IS LOCKTED CON A CURVE IS INCEGULATELY SHAPOD AND HAS A WASH THAT PLINS THEOUTON THE SOUTHERN PORTION OF THE SITE.
2.	Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:  FLIE TO THE PROPERTY IS UNASUE TO  EXPLOY HIS HOME TO THE SOUTH ANY
3.	DAPONSION TO THE SOUTH COULD ANTER AND IMPACT THE WASH BUY COULD PUSH WATER ONTO THE PROPERTY TO THE SOUTH.  Special circumstances were not created by the owner or applicant:  THE COMPTIONS CHECOMETANCES WERE NOT CHECOMETANCES WHEE NOT CHECOMETANCES WERE NOT
4.	Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:  THE APPROVAL AT THIS WILL NOT NEGATIVELY  IMPACT THIS ADJACOUT PROPERTY COUNTRY
	NOTATION THE PROPERTY TO THE

Planning and Development Services Department

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17-BA-2004

**ATTACHMENT #6** 



















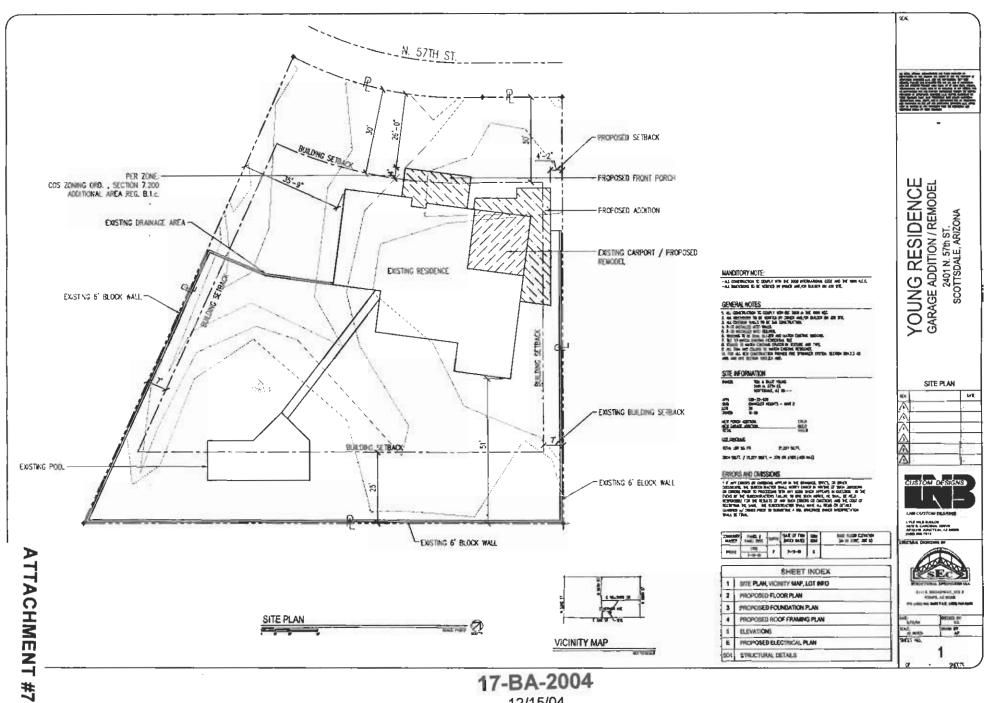












17-BA-2004 12/15/04

April 14, 2004

Mr. & Mrs. Thomas C. Young 2401 N. 57<sup>th</sup> Street Scottsdale, Arizona 85257

Re: Your new garage

This is to acknowledge that I am aware that you plan on connecting and expanding your present carport into an enclosed garage. I have no objection for you in applying for a building variance within your lot line at the above-mentioned address.

Karen Krumholz

2409 N. 57<sup>th</sup> Street

Sherwood Heights

Scottsdale, Arizona 85257

Mr. & Mrs. Thomas C. Young 2401 N. 57<sup>th</sup> Street Scottsdale, Arizona 85257

Re: Your new garage

This is to acknowledge that I am aware that you plan on connecting and expanding your present carport into an enclosed garage. I have no objection for you in applying for a building variance within your lot line at the above-mentioned address.

Gerald Farr

Sharon Farr

21/02 Dr. 57th S.

Dettodale, 93 85257

### 17-BA-2004

Young Residence Variance Request

Attachment #9: Drainage Report

Due to the size of this attachment it has not been included in the on-line version of the staff report.

The above attachment is on file at the City of Scottsdale Current Planning office, 7447 E Indian School Road, Suite 105.